

MEMORANDUM

Business Item A & B

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & consideration of Resolution 2026-003 Making a Recommendation to the Town Board of Supervisors regarding a Re-zoning Application submitted by Chris Perreault on behalf of Paul Shoberg, requesting approval to rezone approximately 0.22 acres of proposed Lot 1 (8736 Pioneer Rd) from A-2 (General Agriculture District) to R-1 (Rural Residential District).

AND

Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Chris Perreault on behalf of Paul Shoberg to reconfigure portions of Tax ID #006-0440-03 (8706 Pioneer Rd); Tax ID #006-0440-04 (8736 Pioneer Rd); & Tax ID #006-0440-05.

Please see the comments below from Code Administrator Kamke:

Rezone Request

Each lot is served by their own well and septic system, and neither lot is within a sanitary sewer service area. An intermittent stream is documented along the northeastern property line of the Shoberg outbuilding and field parcel, but no floodplain zones are documented, and no wetlands have been inventoried on the parcels. As outlined in the survey review notes, the request qualifies for alteration of property boundary lines as applicable to existing nonconforming lots of record.

The Town's Comprehensive Plan Future Land Use Map categorizes this area as a Tier 3 development zone, and identifies this area for Agricultural/Rural uses. None of the lands under this proposal are within the Working Lands initiative area. Combining the Shoberg properties prohibits new residential development on Proposed Lot 1, which is consistent with the Town's Comprehensive Plan goals of limiting new residential development in Tier 3 areas.

CSM Review

This proposed two-lot Certified Survey Map requests the consolidation of three parcels into two new parcels. Located just south of USH 10 on Pioneer Road, current parcels are 006-044004 (Shoberg home and south field as Lot 1 of CSM 6655), 006-044005 (Shoberg outbuilding and east field as Lot 2 of CSM 6655), and 006-044003 (Bargender home with metes and bounds description).

A total of 0.2238 acres are to be combined from the Shoberg home parcel to the Bargender parcel to create a less nonconforming lot. The Shoberg lots are then to be combined to remain code conforming for the A-2 General Agriculture district. The transfer of the land from the Shoberg home parcel to the Bargender parcel would otherwise cause the Shoberg home parcel to fall below the 5-acre area minimum for the district, so the Shoberg lands must be combined.

The existing Bargender lot is a legal nonconforming lot, which means it was lawfully created but does not meet all current dimensional standards. Using the lot width equation as documented in Exhibit 8-5 section B., the Bargender property averages 111.68 feet in

current lot width. This is less than the minimum 200ft average lot width required by the zoning ordinance for the R-1 Rural residential (non-subdivided) district. Regulations within the zoning ordinance for nonconforming lots as listed in 9.13-02(b), allow a nonconforming lot's dimensions to be altered, if such action lessens the lot's nonconformity and if the adjoining property meets all applicable standards. The Bargender's proposed new lot will have an average lot width of 120 feet, which is less nonconforming than the existing width. If the Shoberg lot will be code-conforming, this action would meet the requirements of 9.13-02(b) and could be approved.

If recommended for approval along with the proposed rezone on this agenda, both proposed new lots will meet all other dimensional standards for their respective districts, including minimum road frontage, lot area, and setbacks from all lot lines to buildings.

To determine if the Shoberg lot is code conforming, a few criteria must be met. The limit of accessory building area relative to the overall lot size allows for 1,500sqft plus 1% of the area that's beyond 43,000sqft, which for the proposed lot 1 would be a total of 8,410 sqft for maximum accessory structure area. By Town standards, there are two accessory structures totaling 6,670sqft currently on Proposed Lot 1, being the 50x70 outbuilding and a 40x40 detached garage. That total is under the allowed maximum and leaves 1,710sqft remaining for future accessory structure area on this 16.86ac Proposed Lot 1.

Another criterion to consider for determining conformity of the Shoberg lot is access to the property. The Town of Clayton Access Control Ordinance only allows two private accesses per lot when from Class 4 Roads, which are platted subdivision roads. Pioneer Road is a Class 3 road, and in addition to limiting to one private access per lot, the accesses from Class 3 roads are not to be placed closer than 200ft to other private driveways "unless there is no other way to provide access" to the parcel (Access Control Ordinance, section Spacing and Frequency, point 4). Agricultural access is similarly limited to one field access per lot. The agricultural access is approximately 200ft north of the Bargender driveway. Both the agricultural access on Proposed Lot 1 and the private access for Proposed Lot 2 are conforming to applicable codes.

However, Proposed Lot 1 will have two private accesses which form a horseshoe-style driveway, joining the home to the outbuilding area. Approximating from GIS resources, these private accesses are 140ft from the northern neighbor's house driveway, spaced 130 feet apart, and 145ft north of the agricultural access. Two driveways on Proposed Lot 1 would not be code conforming and therefore should be discussed by the Town.

The section of Wisconsin Statutes regulating the preparation of a Certified Survey Map (§236.34) indicate the location of the land shall be printed on the map beneath the "CERTIFIED SURVEY MAP" label. To this point, the subheading should be updated to specifically include the land as described in Document Number 1704148 (Bargender property). Currently, only the Shoberg CSM lots are included in that language. This update will be reflected on each sheet of the survey, and also in the beginning language of the Surveyor's Certificate on page 3. Also, update the typo on Page 3 regarding the land bound by the described parcel and the meander line of the intermittent waterway ("RSPECRIVE").

There is also a suggested condition to require the applicant to work with the Town staff and allow an on-site inspection of the northern building. Since it has its own septic system, this is recommended to verify that the outbuilding does not meet building code definitions of a dwelling. Two dwellings cannot be on one lot in the A-2 district.

Suggested conditions:

1. Update the subheadings of the survey to include the lands described in Document Number 1704148, including such language in the Surveyor's Certificate as well.
2. Revise language in the Surveyor's Certificate relative to the area between the monumented property boundary and the stream meander line.
3. Prior to signature on original CSM, owner shall coordinate site visit with Town staff to verify outbuilding shed does not qualify as a dwelling under applicable ordinances and codes.
4. Regarding the dual private accesses on Proposed Lot 1:
 - Require removal of one of the private accesses on Proposed Lot 1. OR
 - Require vegetation management surrounding the private accesses on Proposed Lot 1 to increase vision clearance triangles in lieu of abandoning one access. OR
 - Other condition that meets the intents of the standard: minimizing conflict points with nearby private accesses, providing safe ingress/egress to Town roads, etc.

It is the staff's opinion that these agenda items should receive the same recommendation from the Plan Commission to the Town Board. Doing one without the other will result in split-zoned lots, creating difficulty in administering and enforcing Town ordinances. With the proposals generally meeting Town standards, staff recommend approval action for both items, with conditions applied to the survey approval to maintain compliance with all Town policies.

SUGGESTED MOTION(S):

Motion to recommend approval of the re-zoning application submitted by Chris Perreault on behalf of Paul Shoberg with Resolution 2026-003.

Motion to recommend denial of the re-zoning application submitted by Chris Perreault on behalf of Paul Shoberg with Resolution 2026-003.

Motion to recommend approval of the CSM application submitted by Chris Perreault on behalf of Paul Shoberg with the four (4) listed conditions.

Motion to recommend denial of the CSM application submitted by Chris Perreault on behalf of Paul Shoberg.

Respectfully Submitted,
Kelsey